

there is no basis for an injunction that prevents DataTern from asserting its rights in other courts;

4. The Texas Court's recent decision not to reinstate the stays of litigation imposed in the cases pending there since March 2012 is entitled to comity; and

5. DataTern has already offered not to pursue claims of infringement in the Texas cases that pertain to the use of SAP's BusinessObjects as an "off the shelf" product so long as DataTern is permitted to continue pursuing other claims of independent infringement that may involve BusinessObjects.

DataTern requests that the Court deny SAP's Motion. In support of its Opposition DataTern is filing, simultaneously herewith, the Declaration of Timothy J. Haller, Esq., the Declaration of Scott J. Nathan, Esq. with Exhibits, and a Memorandum of Law in Support of DataTern, Inc.'s Opposition to SAP AG and SAP America, Inc.'s Motion to Enjoin DataTern's Assertion of Infringement of U.S. Patent Nos. 5,937,402 and 6,101,502 Based on the Use of SAP's BusinessObjects Products.

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CERTIFICATE OF SERVICE

I certify that, on the above date, I served copies of this document on counsel of record for each other party through the Court's CM/ECF system.

/s/ Scott J. Nathan
Scott J. Nathan